

Application No.: 09/965,374  
Amendment Dated: July 6, 2006  
Reply to Office Action of: April 6, 2006

### **REMARKS**

Claims 1-29 are pending in the application. Claims 1, 14 and 20 have been amended. In view of the foregoing amendments and remarks urged here, Applicant respectfully requests that the Examiner withdraw all outstanding rejections.

#### ***Claim Rejections – 35 U.S.C. § 112***

The Examiner has rejected claims 15 and 23-25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

Applicant has amended claims 15 and 23 to more particularly point out and distinctly claim the subject matter regarded as the invention. Claims 15 and 23 have been amended to provide proper antecedent basis. Claim 23 has been amended to correct the use of an indefinite term. Applicant respectfully requests withdrawal of the § 112 rejection.

#### ***Claim Rejections – 35 U.S.C. § 102***

The Examiner has rejected claims 10-11 and 14-15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,430,594 to Akiyama et al. (“Akiyama”).

Applicant has amended claim 10 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular, claim 10 has been amended to recite that “each of the registered services is given an opportunity to be scheduled in the dedicated pre-assigned time slice independently of any foreground task.”

The present invention, as recited in claim 10, is directed to a system for dynamically enabling the expansion of a computer operating system. The system includes a scheduling mechanism which allocates slices of processor time where each task is pre-assigned a slice of time. Significantly, the scheduling mechanism can schedule its registered tasks independent of any foreground task of the operating system.

By contrast, Akiyama is directed to a plurality of tasks grouped into blocks according to the deadline times of each task. However, as Examiner admits, Akiyama does not disclose having foreground or background tasks operating independently of deadline tasks.

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Since Akiyama does not teach each and every limitation of claim 10, Applicant respectfully submits that claim 10 is allowable over the reference. Claims 11 and 14-15, by their dependency on amended claim 10, are similarly allowable.

***Claim Rejections – 35 U.S.C. § 103***

The Examiner has rejected claims 1-9, 12-13 and 16-29 under 35 U.S.C. § 103(a) as being unpatentable over Akiyama in view of U.S. Patent No. 6,098,090 to Burns (“Burns”).

Applicant has amended claims 1, 10, 16 and 23 to more particularly point out and distinctly claim the subject matter regarded as the invention. In particular claim 1 has been amended to recite that “each of the at least one registered service is given an opportunity to be scheduled in the dedicated pre-assigned time slice independently of any foreground task.” Claim 10 has been amended to recite that “each of the registered services is given an opportunity to be scheduled in the dedicated pre-assigned time slice independently of any foreground task.” Claim 16 has been similarly amended to recite that “each of the registered services is given an opportunity to be scheduled in the dedicated pre-assigned time slice independently of any foreground task.” Claim 23 has been amended to recite that “the service manager allocating a data presence to each of the set of services registered therewith independently of said foreground task.”

The present invention, as recited in independent claims 1, 10, 16 and 23 is directed to a system for dynamically enabling the expansion of a computer operating system. The system includes a scheduling mechanism which allocates slices of processor time where each task is pre-assigned a slice of time. Significantly, the scheduling mechanism can schedule its registered tasks independent of any foreground task of the operating system.

The Examiner’s base reference, Akiyama, is directed to a plurality of tasks grouped into blocks according to the deadline times of each task. However, as Examiner admits, Akiyama does not disclose having foreground or background tasks operating independently of deadline tasks.

The shortcomings of Akiyama are not overcome by Burns nor is Burns cited for such teachings. Burns is directed to a background processor for executing background processes in a single execution thread. Burns does not teach or suggest having foreground tasks independent of

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deadline tasks. Therefore, the combination of Akiyama and Burns does not teach or suggest every claimed feature of the invention.

The prior art reference (or references) must teach or suggest all of the claim limitations. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). Since a prima facie case of obviousness has not been set forth, Applicant respectfully submits that independent claims 1, 10, 16, 23 and 26 are allowable over the cited references. Claims 2-9, 12-13, 17-22, 24-25 and 27-29, by their dependency on claims 1, 10, 16, 23 and 26 respectively, are similarly allowable. Early notice to that effect is earnestly solicited.

### ***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider the outstanding rejections. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

BERRY & ASSOCIATES P.C.



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By: \_\_\_\_\_

Bosco Kim  
Registration No. 41,896

Berry & Associates P.C.  
9255 Sunset Boulevard  
Suite 810  
Los Angeles, CA 90069  
(310) 247-2860